

**PUBLIC INFORMATION ACT**  
**Annotated Code of Maryland**  
**State Government Article**

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**10-611. Definitions.**

(a) In this Part III of this subtitle the following words have the meanings indicated.

(b) "Applicant" means a person or governmental unit that asks to inspect a public record.

(c) "Custodian" means:

(1) the official custodian; or

(2) any other authorized individual who has physical custody and control of a public record.

(d) "Official custodian" means an officer or employee of the State or of a political subdivision who, whether or not the officer or employee has physical custody and control of a public record, is responsible for keeping the public record.

(e) "Person in interest" means:

(1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(2) if the person has a legal disability, the parent or legal representative of the person; or

(3) as to requests for correction of certificates of death under § 5-310(d)(2) of the Health - General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased's death.

(f) (1) "Personal information" means information that identifies an individual including an individual's address, driver's license number or any other identification

number, medical or disability information, name, photograph or computer generated image, Social Security number, or telephone number.

(2) "Personal information" does not include an individual's driver's status, driving offenses, 5-digit zip code, or information on vehicular accidents.

(g) (1) "Public record" means the original or any copy of any documentary material that:

(i) is made by a unit or instrumentality of the State government or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

(ii) is in any form, including:

1. a card;
2. a computerized record;
3. correspondence;
4. a drawing;
5. film or microfilm;
6. a form;
7. a map;
8. a photograph or  
photostat;
9. a recording; or
10. a tape.

(2) "Public record" includes a document that lists the salary of an employee of a unit or instrumentality of the State government or of a political subdivision.

(3) "Public record" does not include a digital photographic image or signature of an individual, or the actual stored data thereof, recorded by the Motor Vehicle Administration.

(h) (1) "Telephone solicitation" means the initiation of a telephone call to an individual or to the residence or business of an individual

for the purpose of encouraging the purchase or rental of or investment in property, goods, or services.

(2) "Telephone solicitation" does not include a telephone call or message:

(i) to an individual who has given express permission to the person making the telephone call;

(ii) to an individual with whom the person has an established business relationship; or

(iii) by a tax-exempt, nonprofit organization.

#### ***10-612. Access to Public Records.***

(a) All persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.

(b) To carry out the right set forth in subsection (a) of this section, unless an unwarranted invasion of the privacy of a person in interest would result, this Part III of this subtitle shall be construed in favor of permitting inspection of a public record, with the least cost and least delay to the person or governmental unit that requests the inspection.

(c) This Part III of this subtitle does not preclude a member of the General Assembly from acquiring the names and addresses of and statistical information about individuals who are licensed or, as required by a law of the State, registered.

#### ***10-613. Right of Inspection; Regulations.***

(a) (1) Except as otherwise provided by law, a custodian shall permit a person or governmental unit to inspect any public record at any reasonable time.

(2) Inspection or copying of a public record may be denied only to the extent provided under this Part III of this subtitle.

(b) To protect public records and to prevent unnecessary interference with official business, each official custodian shall adopt reasonable rules or regulations that, subject to this Part III of this subtitle, govern timely production and inspection of a public record.

(c) Each official custodian shall consider whether to:

(1) designate specific types of public records of the governmental unit that are to be made available to any applicant immediately upon request; and

(2) maintain a current list of the types of public records that have been designated as available to any applicant immediately upon request.

#### ***10-614. Application; Processing.***

(a) (1) Except as provided in paragraph (2) of this subsection, a person or governmental unit that wishes to inspect a public record shall submit a written application to the custodian.

(2) A person or governmental unit need not submit a written application to the custodian if:

(i) the person or governmental unit seeks to inspect a public record listed by an official custodian in accordance with § 10-613(c)(2) of this subtitle; or

(ii) the custodian waives the requirement for a written application.

(3) If the individual to whom the application is submitted is not the custodian of the public record, within 10 working days after receiving the application, the individual shall give the applicant:

- (i) notice of that fact; and
- (ii) if known:
  - 1. the name of the custodian; and
  - 2. the location or possible location of the public record.

(4) When an applicant requests to inspect a public record and a custodian determines that the record does not exist, the custodian shall notify the applicant of this determination:

- (i) if the custodian has reached this determination upon initial review of the application, immediately; or
- (ii) if the custodian has reached this determination after a search for potentially responsive public records, promptly after the search is completed but not to exceed 30 days after receiving the application.

(b) (1) The custodian shall grant or deny the application promptly, but not to exceed 30 days after receiving the application.

(2) A custodian who approves the application shall produce the public record immediately or within the reasonable period that is needed to retrieve the public record,

but not to exceed 30 days after receipt of the application.

(3) A custodian who denies the application shall:

(i) immediately notify the applicant;

(ii) within 10 working days, give the applicant a written statement that gives:

- 1. the reasons for the denial;
  - 2. the legal authority for the denial; and
  - 3. notice of the remedies under this Part III of this subtitle for review of the denial; and
- (iii) permit inspection of any part of the record that is subject to inspection and is reasonably severable.

(4) With the consent of the applicant, any time limit imposed under this subsection may be extended for not more than 30 days.

(c) (1) Except to the extent that the grant of an application is related to the status of the applicant as a person in interest and except as required by other law or regulation, the custodian may not condition the grant of an application on:

- (i) the identity of the applicant;
- (ii) any organizational or other affiliation of the applicant; or
- (iii) a disclosure by the applicant of the purpose for an application.

(2) This subsection does not preclude an official custodian from considering the identity of the applicant, any organizational or other affiliation of the applicant, or the purpose for the application if:

(i) the applicant chooses to provide this information for the custodian to consider in making a determination under § 10-618 of this subtitle;

(ii) the applicant has requested a waiver of fees pursuant to § 10-621(e) of this subtitle; or

(iii) the identity of the applicant, any organizational or other affiliation of the applicant, or the purpose for the application is material to the determination of the official custodian in accordance with § 10-621(e)(2) of this subtitle.

(3) Consistent with this subsection, an official may request the identity of an applicant for the purpose of contacting the applicant.

#### ***10-615. Required Denials – In General.***

A custodian shall deny inspection of a public record or any part of a public record if:

(1) by law, the public record is privileged or confidential; or

(2) the inspection would be contrary to:

- (i) a State statute;
- (ii) a federal statute or a regulation that is issued under the statute and has the force of law;
- (iii) the rules adopted by the Court of Appeals; or
- (iv) an order of a court of record.

#### ***10-616. Required Denials – Specific Records.***

(a) Unless otherwise provided by law, a custodian shall deny inspection of a public record, as provided in this section.

(b) A custodian shall deny inspection of public records that relate to the adoption of an individual.

(c) A custodian shall deny inspection of public records that relate to welfare for an individual.

(d) A custodian shall deny inspection of a letter of reference.

(e) (1) Subject to the provisions of paragraph (2) of this subsection, a custodian shall prohibit inspection, use, or disclosure of a circulation record of a public library or other item, collection, or grouping of information about an individual that:

- (i) is maintained by a library;
- (ii) contains an individual's name or the identifying number, symbol, or other identifying particular assigned to the individual; and
- (iii) identifies the use a patron makes of that library's materials, services, or facilities.

(2) A custodian shall permit inspection, use, or disclosure of a circulation record of a public library only in connection with the library's ordinary business and only for the purposes for which the record was created.

(f) A custodian shall deny inspection of library, archival, or museum material given by a person to the extent that the person who

made the gift limits disclosure as a condition of the gift.

(g) (1) Subject to paragraphs (2) through (7) of this subsection, a custodian shall deny inspection of a retirement record for an individual.

(2) A custodian shall permit inspection:

- (i) by the person in interest;
- (ii) by the appointing authority of the individual;
- (iii) after the death of the individual, by a beneficiary, personal representative, or other person who satisfies the administrators of the retirement and pension systems that the person has a valid claim to the benefits of the individual; and
- (iv) by any law enforcement agency in order to obtain the home address of a retired employee of the agency when contact with a retired employee is documented to be necessary for official agency business.

(3) A custodian shall permit inspection by the employees of a county unit that, by county law, is required to audit the retirement records for current or former employees of the county. However, the information obtained during the inspection is confidential, and the county unit and its employees may not disclose any information that would identify a person in interest.

(4) On request, a custodian shall state whether the individual receives a retirement or pension allowance.

(5) A custodian shall permit release of information as provided in § 21-504 or § 21-505 of the State Personnel and Pensions Article.

(6) On written request, a custodian shall:

(i) disclose the amount of that part of a retirement allowance that is derived from employer contributions and that is granted to:

- 1. a retired elected or appointed official of the State;
- 2. a retired elected official of a political subdivision; or

3. a retired appointed official of a political subdivision who is a member of a separate system for elected or appointed officials; or

(ii) disclose the benefit formula and the variables for calculating the retirement allowance of:

- 1. a current elected or appointed official of the State;
- 2. a current elected official of a political subdivision; or
- 3. a current appointed official of a political subdivision who is a member of a separate system for elected or appointed officials.

(7) (i) This paragraph applies to Anne Arundel County.

(ii) On written request, a custodian of retirement records shall disclose:

1. the total amount of that part of a pension or retirement allowance that is derived from employer contributions and that is granted to a retired elected or appointed official of the county;

2. the total amount of that part of a pension or retirement allowance that is derived from employee contributions and that is granted to a retired elected or appointed official of the county, if the retired elected or appointed official consents to the disclosure;

3. the benefit formula and the variables for calculating the retirement

allowance of a current elected or appointed official of the county; or

4. the amount of the employee contributions plus interest attributable to a current elected or appointed official of the county, if the current elected or appointed official consents to the disclosure.

(iii) A custodian of retirement records shall maintain a list of those elected or appointed officials of the county who have consented to the disclosure of information under subparagraph (ii)2 or 4 of this paragraph.

(h) (1) This subsection applies only to public records that relate to:

(i) police reports of traffic accidents;

(ii) criminal charging documents prior to service on the defendant named in the document; and

(iii) traffic citations filed in the Maryland Automated Traffic System.

(2) A custodian shall deny inspection of a record described in paragraph (1) of this subsection to any of the following persons who request inspection of records for the purpose of soliciting or marketing legal services:

(i) an attorney who is not an attorney of record of a person named in the record; or

(ii) a person who is employed by, retained by, associated with, or acting on behalf of an attorney described in this paragraph.

(i) (1) Subject to paragraph (2) of this subsection, a custodian shall deny inspection of a personnel record of an individual, including an application, performance rating, or scholastic achievement information.

(2) A custodian shall permit inspection by:

(i) the person in interest; or

(ii) an elected or appointed official who supervises the work of the individual.

(j) A custodian shall deny inspection of a hospital record that:

(1) relates to:

(i) medical administration;

(ii) staff;

(iii) medical care; or

(iv) other medical information;

and

(2) contains general or specific information about 1 or more individuals.

(k) (1) Subject to paragraphs (2) and (3) of this subsection, a custodian shall deny inspection of a school district record about the home address, home phone number, biography, family, physiology, religion, academic achievement, or physical or mental ability of a student.

(2) A custodian shall permit inspection by:

(i) the person in interest; or

(ii) an elected or appointed official who supervises the student.

(3) (i) A custodian may permit inspection of the home address or home phone number of a student of a public school by:

1. an organization of parents, teachers, students, or former students, or any combination of those groups, of the school;

2. an organization or force of the military;

3. a person engaged by a school or board of education to confirm a home address or home phone number;

4. a representative of a community college in the State; or

5. the Maryland Higher Education Commission.

(ii) The Commission or a person, organization, or community college that obtains information under this paragraph may not:

1. use this information for a commercial purpose; or

2. disclose this information to another person, organization, or community college.

(iii) When a custodian permits inspection under this paragraph, the custodian shall notify the Commission, person, organization, or community college of the prohibitions under subparagraph (ii) of this paragraph regarding use and disclosure of this information.

(l) Subject to the provisions of § 4-310 of the Insurance Article, a custodian shall deny inspection of all RBC reports and RBC plans and any other records that relate to those reports or plans.

(m)(1) Subject to the provisions of paragraph (2) of this subsection, a custodian shall deny inspection of all photographs, videotapes or electronically recorded images of vehicles, vehicle movement records, personal financial information, credit reports, or other personal or financial data created, recorded, obtained by or submitted to the Maryland Transportation Authority or its agents or employees in connection with any electronic toll collection system or associated transaction system.

(2) A custodian shall permit inspection of the records enumerated in paragraph (1) of this subsection by:

(i) an individual named in the record;

(ii) the attorney of record of an individual named in the record;

(iii) employees or agents of the Maryland Transportation Authority in any investigation or proceeding relating to a violation of speed limitations or to the imposition of or indemnification from liability for failure to pay a toll in connection with any electronic toll collection system;

(iv) employees or agents of a third party that has entered into an agreement with the Maryland Transportation Authority to use an electronic toll collection system for nontoll applications in the collection of revenues due to the third party; or

(v) employees or agents of an entity in another state operating or having jurisdiction over a toll facility.

(n) (1) Subject to paragraph (2) of this subsection, a custodian shall deny inspection of any record disclosing:

(i) the name of an account holder or qualified beneficiary of a prepaid contract under Title 18, Subtitle 19 of the Education Article; and

(ii) the name of an account holder or qualified designated beneficiary of an investment account under Title 18, Subtitle 19A of the Education Article.

(2) A custodian:

(i) shall permit inspection by a person in interest; and

(ii) may release information to an eligible institution of higher education designated:

1. by an account holder of a prepaid contract or qualified beneficiary under Title 18, Subtitle 19A of the Education Article; or

2. by an account holder or qualified designated beneficiary under Title 18, Subtitle 19A of the Education Article.

(o) (1) In this subsection, "recorded images" has the meaning stated in § 21-202.1 of the Transportation Article.

(2) Except as provided in paragraph (3) of this subsection, a custodian of recorded images produced by a traffic control signal monitoring system operated under § 21-202.1 of the Transportation Article shall deny inspection of the recorded images.

(3) A custodian shall allow inspection of recorded images:

(i) as required in § 21-202.1 of the Transportation Article;

(ii) by any person issued a citation under § 21-202.1 of the Transportation Article, or an attorney of record for the person; or

(iii) by an employee or agent of a law enforcement agency in an investigation or proceeding relating to the imposition of or indemnification from civil liability pursuant to § 21-202.1 of the Transportation Article.

(p) (1) Except as provided in paragraphs (2) through (5) of this subsection, a custodian may not knowingly disclose a public record of the Motor Vehicle Administration containing personal information.

(2) A custodian shall disclose personal information when required by federal law.

(3) (i) This paragraph applies only to the disclosure of personal information for

any use in response to a request for an individual motor vehicle record.

(ii) The custodian may not disclose personal information without written consent from the person in interest.

(iii) 1. At any time the person in interest may withdraw consent to disclose personal information by notifying the custodian.

2. The withdrawal by the person in interest of consent to disclose personal information shall take effect as soon as practicable after it is received by the custodian.

(4) (i) This paragraph applies only to the disclosure of personal information for inclusion in lists of information to be used for surveys, marketing, and solicitations.

(ii) The custodian may not disclose personal information for surveys, marketing, and solicitations without written consent from the person in interest.

(iii) 1. At any time the person in interest may withdraw consent to disclose personal information by notifying the custodian.

2. The withdrawal by the person in interest of consent to disclose personal information shall take effect as soon as practicable after it is received by the custodian.

(iv) The custodian may not disclose personal information under this paragraph for use in telephone solicitations.

(v) Personal information disclosed under this paragraph may be used only for surveys, marketing, or solicitations and only for a purpose approved by the Motor Vehicle Administration.

(5) Notwithstanding the provisions of paragraphs (3) and (4) of this subsection, a custodian shall disclose personal information:

(i) for use by a federal, state, or local government, including a law enforcement agency, or a court in carrying out its functions;

(ii) for use in connection with matters of:

1. motor vehicle or driver safety;

2. motor vehicle theft;

3. motor vehicle emissions;

4. motor vehicle product alterations, recalls, or advisories;

5. performance monitoring of motor vehicle parts and dealers; and

6. removal of nonowner records from the original records of motor vehicle manufacturers;

(iii) for use by a private detective agency licensed by the Secretary of State Police under Title 13 of the Business Occupations and Professions Article or a security guard service licensed by the Secretary of State Police under Title 19 of the Business Occupations and Professions Article for a purpose permitted under this paragraph;

(iv) for use in connection with a civil, administrative, arbitral, or criminal proceeding in a federal, state, or local court or regulatory agency for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments or orders;

(v) for purposes of research or statistical reporting as approved by the Motor Vehicle Administration provided that the personal information is not published, redisclosed, or used to contact the individual;

(vi) for use by an insurer, insurance support organization, or self-insured entity, or its employees, agents, or contractors, in connection with rating, underwriting, claims investigating, and antifraud activities;

(vii) for use in the normal course of business activity by a legitimate business

entity, its agents, employees, or contractors, but only:

1. to verify the accuracy of personal information submitted by the individual to that entity; and

2. if the information submitted is not accurate, to obtain correct information only for the purpose of:

A. preventing fraud by the individual;

B. pursuing legal remedies against the individual; or

C. recovering on a debt or security interest against the individual;

(viii) for use by an employer or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C.A. § 2701 et seq.);

(ix) for use in connection with the operation of a private toll transportation facility;

(x) for use in providing notice to the owner of a towed or impounded motor vehicle;

(xi) for use by an applicant who provides written consent from the individual to whom the information pertains if the consent is obtained within the 6-month period before the date of the request for personal information;

(xii) for use in any matter relating to:

1. the operation of a Class B (for hire), Class C (funeral and ambulance), or Class Q (limousine) vehicle; and

2. public safety or the treatment by the operator of a member of the public;

(xiii) for a use specifically authorized by the law of this State, if the use is related to the operation of a motor vehicle or public safety; and

(xiv) for use by a hospital to obtain, for hospital security purposes, information relating to ownership of vehicles parked on hospital property.

(6) (i) A person receiving personal information under paragraph (4) or (5) of this subsection may not use or redisclose the personal information for a purpose other than the purpose for which the custodian disclosed the personal information.

(ii) A person receiving personal information under paragraph (4) or (5) of this subsection who rediscloses the personal information shall:

1. keep a record for 5 years of the person to whom the information is redisclosed and the purpose for which the information is to be used; and
2. make the record available to the custodian on request.

(7) (i) The custodian shall adopt regulations to implement and enforce the provisions of this subsection.

(ii) 1. The custodian shall adopt regulations and procedures for securing a person in interest's waiver of privacy rights under this subsection when an applicant requests personal information about the person in interest that the custodian is not authorized to disclose under paragraphs (2) through (5) of this subsection.

2. The regulations and procedures adopted under this subparagraph shall:

A. state the circumstances under which the custodian may request a waiver; and

B. conform with the waiver requirements in the federal Driver's Privacy Protection Act of 1994 and other federal law.

(8) The custodian may develop and implement methods for monitoring compliance with this section and ensuring that personal information is used only for purposes for which it is disclosed.

(q) (1) Except as provided in paragraph (4) of this subsection and subject to the provisions of paragraph (5) of this subsection, unless otherwise ordered by the court, files and records of the court pertaining to an arrest warrant issued pursuant to Maryland Rule 4-212(d)(1) or (2) and the charging document upon which the arrest warrant was issued may not be open to inspection until either:

(i) the arrest warrant has been served and a return of service has been filed in compliance with Maryland Rule 4-212(g); or

(ii) 90 days have elapsed since the arrest warrant was issued.

(2) Except as provided in paragraph (4) of this subsection and subject to the provisions of paragraph (5) of this subsection, unless otherwise ordered by the court, files and records of the court pertaining to an arrest warrant issued pursuant to a grand jury indictment or conspiracy investigation and the charging document upon which the arrest warrant was issued may not be open to inspection until all arrest warrants for any co-conspirators have been served and all returns of service have been filed in compliance with Maryland Rule 4-212(g).

(3) Subject to the provisions of paragraphs (1) and (2) of this subsection, unless sealed pursuant to Maryland Rule 4-201(d), the files and records shall be open to inspection.

(4) (i) Subject to subparagraph (ii) of this paragraph, the name, address, birth date, driver's license number, sex, height, and

weight of an individual contained in an arrest warrant issued pursuant to Maryland Rule 4-212(d)(1) or (2) or issued pursuant to a grand jury indictment or conspiracy investigation may be released to the Motor Vehicle Administration for use by the Administration for purposes of § 13-406.1 or § 16-204 of the Transportation Article.

(ii) Except as provided in subparagraph (i) of this paragraph, information contained in a charging document that identifies an individual may not be released to the Motor Vehicle Administration.

(5) The provisions of paragraphs (1) and (2) of this subsection may not be construed to prohibit:

(i) the release of statistical information concerning unserved arrest warrants;

(ii) the release of information by a State's Attorney or peace officer concerning an unserved arrest warrant and the charging document upon which the arrest warrant was issued; or

(iii) inspection of files and records, of a court pertaining to an unserved arrest warrant and the charging document upon which the arrest warrant was issued, by:

1. a judicial officer;
2. any authorized court

personnel;

3. a State's Attorney;
4. a peace officer;
5. a correctional officer who

is authorized by law to serve an arrest warrant;

6. a bail bondsman, surety insurer, or surety who executes bail bonds who executed a bail bond for the individual who is subject to arrest under the arrest warrant;

7. an attorney authorized by the individual who is subject to arrest under the arrest warrant;

8. the Department of Public Safety and Correctional Services or the Department of Juvenile Services for the purpose of notification of a victim under the provisions of § 11-507 of the Criminal Procedure Article; or

9. a federal, State, or local criminal justice agency described under Title 10, Subtitle 2 of the Criminal Procedure Article.

(r) (1) Except as provided in paragraph (2) of this subsection, a custodian shall deny inspection of all records of persons created, generated, obtained by, or submitted to the Maryland Transit Administration, its agents, or employees in connection with the use or purchase of electronic fare media provided by the Maryland Transit Administration, its agents, employees, or contractors.

(2) A custodian shall permit inspection of the records enumerated in paragraph (1) of this subsection by:

(i) an individual named in the record; or

(ii) the attorney of record of an individual named in the record.

(s) (1) Except as provided in paragraph (2) of this subsection, a custodian may not knowingly disclose a public record of the Department of Natural Resources containing personal information.

(2) Notwithstanding paragraph (1) of this subsection, a custodian shall disclose personal information for use in the normal course of business activity by a financial institution, as defined in § 1-101(i) of the

Financial Institutions Article, its agents, employees, or contractors, but only:

(i) to verify the accuracy of personal information submitted by the individual to that financial institution; and

(ii) if the information submitted is not accurate, to obtain correct information only for the purpose of:

1. preventing fraud by the individual;
2. pursuing legal remedies against the individual; or
3. recovering on a debt or security interest against the individual.

**10-617. Required Denials – Specific Information.**

(a) Unless otherwise provided by law, a custodian shall deny inspection of a part of a public record, as provided in this section.

(b) (1) Subject to paragraph (2) of this subsection, a custodian shall deny inspection of the part of a public record that contains medical or psychological information about an individual, other than an autopsy report of a medical examiner.

(2) A custodian shall permit the person in interest to inspect the public record to the extent permitted under § 4-304(a) of the Health - General Article.

(c) If the official custodian has adopted rules or regulations that define sociological information for purposes of this subsection, a custodian shall deny inspection of the part of a public record that contains sociological information, in accordance with the rules or regulations.

(d) A custodian shall deny inspection of the part of a public record that contains any of the following information provided by or obtained from any person or governmental unit:

(1) a trade secret;

(2) confidential commercial information;

(3) confidential financial information; or

(4) confidential geological or geophysical information.

(e) Subject to § 21-504 of the State Personnel and Pensions Article, a custodian shall deny inspection of the part of a public record that contains the home address or telephone number of an employee of a unit or instrumentality of the State or of a political subdivision unless:

(1) the employee gives permission for the inspection; or

(2) the unit or instrumentality that employs the individual determines that inspection is needed to protect the public interest.

(f) (1) This subsection does not apply to the salary of a public employee.

(2) Subject to paragraph (3) of this subsection, a custodian shall deny inspection of the part of a public record that contains information about the finances of an individual, including assets, income, liabilities, net worth, bank balances, financial history or activities, or creditworthiness.

(3) A custodian shall permit inspection by the person in interest.

(g) A custodian shall deny inspection of the part of a public record that contains information about the security of an information system.

(h) (1) Subject to paragraphs (2) through (4) of this subsection, a custodian shall deny inspection of the part of a public record that contains information about the licensing of an individual in an occupation or profession.

(2) A custodian shall permit inspection of the part of a public record that gives:

- (i) the name of the licensee;
- (ii) the business address of the licensee or, if the business address is not available, the home address;
- (iii) the business telephone number of the licensee;
- (iv) the educational and occupational background of the licensee;
- (v) the professional qualifications of the licensee;
- (vi) any orders and findings that result from formal disciplinary actions; and
- (vii) any evidence that has been provided to the custodian to meet the requirements of a statute as to financial responsibility.

(3) A custodian may permit inspection of other information about a licensee if:

- (i) the custodian finds a compelling public purpose; and
- (ii) the rules or regulations of the official custodian permit the inspection.

(4) Except as otherwise provided by this subsection or other law, a custodian shall permit inspection by the person in interest.

(5) A custodian who sells lists of licensees shall omit from the lists the name of any licensee, on written request of the licensee.

(i) A custodian shall deny inspection of the part of a public record that contains information, generated by the bid analysis management system, concerning an investigation based on a transportation contractor's suspected collusive or anticompetitive activity submitted to the Department by:

(1) the United States Department of Transportation; or

(2) another state.

(j) (1) Subject to paragraphs (2) through (5) of this subsection, a custodian shall deny inspection of the part of a public record that contains information about the application and commission of a person as a notary public.

(2) A custodian shall permit inspection of the part of a public record that gives:

- (i) the name of the notary public;
- (ii) the home address of the notary public;
- (iii) the home and business telephone numbers of the notary public;
- (iv) the issue and expiration dates of the notary public's commission;
- (v) the date the person took the oath of office as a notary public; or
- (vi) the signature of the notary public.

(3) A custodian may permit inspection of other information about a notary public if the custodian finds a compelling public purpose.

(4) A custodian may deny inspection of a record by a notary public or any other person in interest only to the extent that the inspection could:

- (i) interfere with a valid and proper law enforcement proceeding;
- (ii) deprive another person of a right to a fair trial or an impartial adjudication;
- (iii) constitute an unwarranted invasion of personal privacy;
- (iv) disclose the identity of a confidential source;
- (v) disclose an investigative technique or procedure;
- (vi) prejudice an investigation; or
- (vii) endanger the life or physical safety of an individual.

(5) A custodian who sells lists of notaries public shall omit from the lists the name of any notary public, on written request of the notary public.

(k) (1) Except as provided in paragraph (2) of this subsection, a custodian shall deny inspection of the part of an application for a marriage license under § 2-402 of the Family Law Article or a recreational license under Title 4 of the Natural Resources Article that contains a Social Security number.

(2) A custodian shall permit inspection of the part of an application described in paragraph (1) of this subsection that contains a Social Security number to:

- (i) a person in interest; or
- (ii) on request, the State Child Support Enforcement Administration.

(l) (1) Except as provided in paragraph (2) of this subsection, a custodian shall deny

inspection of the part of a public record that identifies or contains personal information about a person, including a commercial entity, that maintains an alarm or security system.

(2) A custodian shall permit inspection by:

- (i) the person in interest;
- (ii) an alarm or security system company if the company can document that it currently provides alarm or security services to the person in interest;
- (iii) law enforcement personnel;
- (iv) emergency services personnel, including:

1. a career firefighter;
2. an emergency medical services provider, as defined in § 13-516 of the Education Article;
3. a rescue squad employee; and
4. a volunteer firefighter, rescue squad member, or advanced life support unit member.

#### ***10-618. Discretionary Denials.***

(a) Unless otherwise provided by law, if a custodian believes that inspection of a part of a public record by the applicant would be contrary to the public interest, the custodian may deny inspection by the applicant of that part, as provided in this section.

(b) A custodian may deny inspection of any part of an interagency or intra-agency letter or memorandum that would not be available by law to a private party in litigation with the unit.

(c) (1) Subject to paragraph (2) of this subsection, a custodian may deny inspection of test questions, scoring keys, and other examination information that relates to the administration of licenses, employment, or academic matters.

(2) After a written promotional examination has been given and graded, a custodian shall permit a person in interest to inspect the examination and the results of the examination, but may not permit the person in interest to copy or otherwise to reproduce the examination.

(d) (1) Subject to paragraph (2) of this subsection, a custodian may deny inspection of a public record that contains the specific details of a research project that an institution of the State or of a political subdivision is conducting.

(2) A custodian may not deny inspection of the part of a public record that gives only the name, title, expenditures, and date when the final project summary will be available.

(e) (1) Subject to paragraph (2) of this subsection or other law, until the State or a political subdivision acquires title to property, a custodian may deny inspection of a public record that contains a real estate appraisal of the property.

(2) A custodian may not deny inspection to the owner of the property.

(f) (1) Subject to paragraph (2) of this subsection, a custodian may deny inspection of:

(i) records of investigations conducted by the Attorney General, a State's Attorney, a city or county attorney, a police department, or a sheriff;

(ii) an investigatory file compiled for any other law enforcement, judicial, correctional, or prosecution purpose; or

(iii) records that contain intelligence information or security procedures of the Attorney General, a State's Attorney, a city or county attorney, a police department, a State or local correctional facility, or a sheriff.

(2) A custodian may deny inspection by a person in interest only to the extent that the inspection would:

(i) interfere with a valid and proper law enforcement proceeding;

(ii) deprive another person of a right to a fair trial or an impartial adjudication;

(iii) constitute an unwarranted invasion of personal privacy;

(iv) disclose the identity of a confidential source;

(v) disclose an investigative technique or procedure;

(vi) prejudice an investigation; or

(vii) endanger the life or physical safety of an individual.

(g) (1) A custodian may deny inspection of a public record that contains information concerning the site-specific location of an endangered or threatened species of plant or animal, a species of plant or animal in need of conservation, a cave, or a historic property as defined in Article 83B, § 5-601(k) of the Code.

(2) A custodian may not deny inspection of a public record described in paragraph (1) of this subsection if requested by:

(i) the owner of the land upon which the resource is located; or

(ii) any entity that could take the land through the right of eminent domain.

(h) (1) Subject to paragraph (2) of this subsection, a custodian may deny inspection of that part of a public record that contains information disclosing or relating to an invention owned in whole or in part by a State public institution of higher education for 4 years to permit the institution to evaluate whether to patent or market the invention and pursue economic development and licensing opportunities related to the invention.

(2) A custodian may not deny inspection of a part of a public record described in paragraph (1) of this subsection if:

(i) the information disclosing or relating to an invention has been published or disseminated by the inventors in the course of their academic activities or disclosed in a published patent;

(ii) the invention referred to in that part of the record has been licensed by the institution for at least 4 years; or

(iii) 4 years have elapsed from the date of the written disclosure of the invention to the institution.

(i) A custodian may deny inspection of that part of a public record that contains information disclosing or relating to a trade secret, confidential commercial information, or confidential financial information owned in whole or in part by the Maryland Technology Development Corporation.

(j) (1) Subject to paragraphs (2), (3), and (4) of this subsection, a custodian may deny inspection of:

(i) response procedures or plans prepared to prevent or respond to emergency situations, the disclosure of which would reveal vulnerability assessments, specific tactics, specific emergency procedures, or specific security procedures;

(ii) 1. building plans, blueprints, schematic drawings, diagrams, operational manuals, or other records of airports and other mass transit facilities, bridges, tunnels, emergency response facilities or structures, buildings where hazardous materials are stored, arenas, stadiums, waste and water systems, and any other building, structure, or facility, the disclosure of which would reveal the building's, structure's or facility's internal layout, specific location, life, safety, and support systems, structural elements, surveillance techniques, alarm or security systems or technologies, operational and transportation plans or protocols, or personnel deployments; or

2. records of any other building, structure, or facility, the disclosure of which would reveal the building's, structure's, or facility's life, safety, and support systems, surveillance techniques, alarm or security systems or technologies, operational and evacuation plans or protocols, or personnel deployments; or

(iii) records prepared to prevent or respond to emergency situations identifying or describing the name, location, pharmaceutical cache, contents, capacity, equipment, physical features, or capabilities of individual medical facilities, storage facilities, or laboratories.

(2) The custodian may deny inspection of a part of a public record under paragraph (1) of this subsection only to the extent that the inspection would:

(i) jeopardize the security of any building, structure, or facility;

(ii) facilitate the planning of a terrorist attack; or

(iii) endanger the life or physical safety of an individual.

(3) (i) Subject to subparagraph (ii) of this paragraph, a custodian may not deny inspection of a public record under paragraph (1) or (2) of this subsection that relates to a building, structure, or facility that has been subjected to a catastrophic event, including a fire, explosion, or natural disaster.

(ii) This paragraph does not apply to the records of any building, structure, or facility owned or operated by the State or any of its political subdivisions.

(4) (i) Subject to paragraphs (1) and (2) of this subsection and subparagraph (ii) of this paragraph, a custodian may not deny inspection of a public record that relates to an inspection of or issuance of a citation concerning a building, structure, or facility by an agency of the State or any political subdivision.

(ii) This paragraph does not apply to the records of any building, structure, or facility owned or operated by the State or any of its political subdivisions.

(k) (1) A custodian may deny inspection of any part of a public record that contains:

(i) stevedoring or terminal services or facility use rates or proposed rates generated, received, or negotiated by the Maryland Port Administration or any private operating company created by the Maryland Port Administration;

(ii) a proposal generated, received, or negotiated by the Maryland Port Administration or any private operating company created by the Maryland Port Administration for use of stevedoring or terminal services or facilities to increase

waterborne commerce through the ports of the State; or

(iii) except as provided in paragraph (2) of this subsection, research or analysis related to maritime businesses or vessels compiled for the Maryland Port Administration or any private operating company created by the Maryland Port Administration to evaluate its competitive position with respect to other ports.

(2) (i) A custodian may not deny inspection of any part of a public record under paragraph (1)(iii) of this subsection by the exclusive representative identified in Section 1 of the memorandum of understanding, or any identical section of a successor memorandum, between the State and the American Federation of State, County and Municipal Employees dated June 28, 2000 or the memorandum of understanding, or any identical section of a successor memorandum, between the State and the Maryland Professional Employees Council dated August 18, 2000 if the part of the public record:

1. is related to State employees; and

2. would otherwise be available to the exclusive representative under Article 4, Section 12 of the memorandum of understanding or any identical section of a successor memorandum of understanding.

(ii) Before the inspection of any part of a public record under subparagraph (i) of this paragraph, the exclusive representative shall enter into a nondisclosure agreement with the Maryland Port Administration to ensure the confidentiality of the information provided.

**10-619. Temporary Denials.**

(a) Whenever this Part III of this subtitle authorizes inspection of a public record but the official custodian believes that inspection would cause substantial injury to the public interest, the official custodian may deny inspection temporarily.

(b) (1) Within 10 working days after the denial, the official custodian shall petition a court to order permitting the continued denial of inspection.

(2) The petition shall be filed with the circuit court for the county where:

(i) the public record is located;  
or

(ii) the principal place of business of the official custodian is located.

(3) The petition shall be served on the applicant, as provided in the Maryland Rules.

(c) The applicant is entitled to appear and to be heard on the petition.

(d) If, after the hearing, the court finds that inspection of the public record would cause substantial injury to the public interest, the court may pass an appropriate order permitting the continued denial of inspection.

**10-620. Copies.**

(a) (1) Except as otherwise provided in this subsection, an applicant who is authorized to inspect a public record may have:

(i) a copy, printout, or photograph of the public record; or

(ii) if the custodian does not have facilities to reproduce the public record,

access to the public record to make the copy, printout, or photograph.

(2) An applicant may not have a copy of a judgment until:

(i) the time for appeal expires;  
or

(ii) if an appeal is noted, the appeal is dismissed or adjudicated.

(b) (1) The copy, printout, or photograph shall be made:

(i) while the public record is in the custody of the custodian; and

(ii) whenever practicable, where the public record is kept.

(2) The official custodian may set a reasonable time schedule to make copies, printouts, or photographs.

**10-621. Fees.**

(a) In this section, "reasonable fee" means a fee bearing a reasonable relationship to the recovery of actual costs incurred by a governmental unit.

(b) Subject to the limitations in this section, the official custodian may charge an applicant a reasonable fee for the search for, preparation of, and reproduction of a public record.

(c) The official custodian may not charge a fee for the first 2 hours that are needed to search for a public record and prepare it for inspection.

(d) (1) If another law sets a fee for a copy, printout, or photograph of a public record, that law applies.

(2) The official custodian otherwise may charge any reasonable fee for making or supervising the making of a copy, printout, or photograph of a public record.

(3) The official custodian may charge for the cost of providing facilities for the reproduction of the public record if the custodian did not have the facilities.

(e) The official custodian may waive a fee under this section if:

(1) the applicant asks for a waiver; and

(2) after consideration of the ability of the applicant to pay the fee, and other relevant factors, the official custodian determines that the waiver would be in the public interest.

#### **10-622. Administrative Review.**

(a) This section does not apply when the official custodian temporarily denies inspection under § 10-619 of this subtitle.

(b) If a unit is subject to Subtitle 2 of this title, a person or governmental unit may seek administrative review in accordance with that subtitle of a decision of the unit, under this Part III of this subtitle, to deny inspection of any part of a public record.

(c) A person or governmental unit need not exhaust the remedy under this section before filing suit.

#### **10-623. Judicial Review.**

(a) Whenever a person or governmental unit is denied inspection of a public record, the person or governmental unit may file a

complaint with the circuit court for the county where:

(1) the complainant resides or has a principal place of business; or

(2) the public record is located.

(b) (1) Unless, for good cause shown, the court otherwise directs and notwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to the complaint within 30 days after service of the complaint.

(2) The defendant:

(i) has the burden of sustaining a decision to deny inspection of a public record; and

(ii) in support of the decision, may submit a memorandum to the court.

(c) (1) Except for cases that the court considers of greater importance, a proceeding under this section, including an appeal, shall:

(i) take precedence on the docket;

(ii) be heard at the earliest practicable date; and

(iii) be expedited in every way.

(2) The court may examine the public record in camera to determine whether any part of it may be withheld under this Part III of this subtitle.

(3) The court may:

(i) enjoin the State, a political subdivision, or a unit, official, or employee of the State or of a political subdivision from withholding the public record;

(ii) pass an order for the production of the public record that was withheld from the complainant; and

(iii) for noncompliance with the order, punish the responsible employee for contempt.

(d) (1) A defendant governmental unit is liable to the complainant for actual damages that the court considers appropriate if the court finds by clear and convincing evidence that any defendant knowingly and willfully failed to disclose or fully to disclose a public record that the complainant was entitled to inspect under this Part III of this subtitle.

(2) An official custodian is liable for actual damages that the court considers appropriate if the court finds that, after temporarily denying inspection of a public record, the official custodian failed to petition a court for an order to continue the denial.

(e) (1) Whenever the court orders the production of a public record that was withheld from the applicant and, in addition, finds that the custodian acted arbitrarily or capriciously in withholding the public record, the court shall send a certified copy of its finding to the appointing authority of the custodian.

(2) On receipt of the statement of the court and after an appropriate investigation, the appointing authority shall take the disciplinary action that the circumstances warrant.

(f) If the court determines that the complainant has substantially prevailed, the court may assess against a defendant governmental unit reasonable counsel fees and other litigation costs that the complainant reasonably incurred.

#### ***10-624. Personal Records.***

(a) In this section, "personal record" means a public record that names or, with reasonable certainty, otherwise identifies an individual by an identifying factor such as:

- (1) an address;
- (2) a description;
- (3) a finger or voice print;
- (4) a number; or
- (5) a picture.

(b) (1) Personal records may not be created unless the need for the information has been clearly established by the unit collecting the records.

(2) Personal information collected for personal records:

(i) shall be appropriate and relevant to the purposes for which it is collected;

(ii) shall be accurate and current to the greatest extent practicable; and

(iii) may not be obtained by fraudulent means.

(c) (1) This subsection only applies to units of State government.

(2) Except as otherwise provided by law, an official custodian who keeps personal records shall, to the greatest extent practicable, collect personal information from the person in interest.

(3) An official custodian who requests personal information for personal records shall provide the following information to each person in interest from whom personal information is collected:

(i) the purpose for which the personal information is collected;

(ii) any specific consequences to the person for refusal to provide the personal information;

(iii) the person's right to inspect, amend, or correct personal records, if any;

(iv) whether the personal information is generally available for public inspection; and

(v) whether the personal information is made available or transferred to or shared with any entity other than the official custodian.

(4) Each unit of State government shall post its privacy policies with regard to the collection of personal information, including the policies specified in this subsection, on its Internet website.

(5) The following personal records shall be exempt from the requirements of this subsection:

(i) information pertaining to the enforcement of criminal laws or the administration of the penal system;

(ii) information contained in investigative materials kept for the purpose of investigating a specific violation of State law and maintained by a State agency whose principal function may be other than law enforcement;

(iii) information contained in public records which are accepted by the State Archivist for deposit in the Maryland Hall of Records;

(iv) information gathered as part of formal research projects previously reviewed and approved by federally mandated institutional review boards; and

(v) any other personal records exempted by regulations adopted by the

Secretary of Budget and Management, based on the recommendation of the Chief of Information Technology.

(6) In accordance with § 2-1246 of this article, the Secretary of Budget and Management shall report on October 1 of each year to the General Assembly on the personal records exempted by regulations under paragraph (5)(v) of this subsection.

(d) (1) This subsection does not apply to:

(i) a unit in the Legislative Branch of the State government;

(ii) a unit in the Judicial Branch of the State government; or

(iii) a board of license commissioners.

(2) If a unit or instrumentality of the State government keeps personal records, the unit or instrumentality shall submit an annual report to the Secretary of General Services, as provided in this subsection.

(3) An annual report shall state:

(i) the name of the unit or instrumentality;

(ii) for each set of the personal records:

1. the name;
2. the location; and
3. if a subunit keeps the set,

the name of the subunit;

(iii) for each set of personal records that has not been previously reported:

1. the category of individuals to whom the set applies;
2. a brief description of the types of information that the set contains;
3. the major uses and purposes of the information;

4. by category, the source of information for the set; and

5. the policies and procedures of the unit or instrumentality as to access and challenges to the personal record by the person in interest and storage, retrieval, retention, disposal, and security, including controls on access; and

(iv) for each set of personal records that has been disposed of or changed significantly since the unit or instrumentality last submitted a report, the information required under item (iii) of this paragraph.

(4) A unit or instrumentality that has 2 or more sets of personal records may combine the personal records in the report only if the character of the personal records is highly similar.

(5) The Secretary of General Services shall adopt regulations that govern the form and method of reporting under this subsection.

(6) The annual report shall be available for public inspection.

(e) The official custodian may permit inspection of personal records for which inspection otherwise is not authorized by a person who is engaged in a research project if:

(1) the researcher submits to the official custodian a written request that:

(i) describes the purpose of the research project;

(ii) describes the intent, if any, to publish the findings;

(iii) describes the nature of the requested personal records;

(iv) describes the safeguards that the researcher would take to protect the identity of the persons in interest; and

(v) states that persons in interest will not be contacted unless the official custodian approves and monitors the contact;

(2) the official custodian is satisfied that the proposed safeguards will prevent the disclosure of the identity of persons in interest; and

(3) the researcher makes an agreement with the unit or instrumentality that:

(i) defines the scope of the research project;

(ii) sets out the safeguards for protecting the identity of the persons in interest; and

(iii) states that a breach of any condition of the agreement is a breach of contract.

#### ***10-625. Requests for Corrections of Public Record.***

(a) A person in interest may request a unit of the State government to correct inaccurate or incomplete information in a public record that:

(1) the unit keeps; and

(2) the person in interest is authorized to inspect.

(b) A request under this section shall:

(1) be in writing;

(2) describe the requested change precisely; and

(3) state the reasons for the change.

(c) (1) Within 30 days after receiving a request under this section, a unit shall:

(i) make or refuse to make the requested change; and

(ii) give the person in interest written notice of the action taken.

(2) A notice of refusal shall contain the unit's reasons for the refusal.

(d) (1) If the unit finally refuses a request under this section, the person in interest may submit to the unit a concise statement that, in 5 pages or less, states the reasons for the request and for disagreement with the refusal.

(2) Whenever the unit provides the disputed information to a third party, the unit shall provide to that party a copy of the statement submitted to the unit by the person in interest.

(e) If a unit is subject to Subtitle 2 of this title, a person or governmental unit may seek administrative and judicial review in accordance with that subtitle of:

(1) a decision of the unit to deny:

(i) a request to change a public record; or

(ii) a right to submit a statement of disagreement; or

(2) the failure of the unit to provide the statement to a third party.

**10-626. Unlawful Disclosure of Personal Records.**

(a) A person, including an officer or employee of a governmental unit, is liable to an individual for actual damages that the court

considers appropriate if the court finds by clear and convincing evidence that:

(1) (i) the person willfully and knowingly permits inspection or use of a public record in violation of this Part III of this subtitle; and

(ii) the public record names or, with reasonable certainty, otherwise identifies the individual by an identifying factor such as:

1. an address;
2. a description;
3. a finger or voice print;
4. a number; or
5. a picture; or

(2) the person willfully and knowingly obtains, discloses, or uses personal information in violation of § 10-616(p) of this subtitle.

(b) If the court determines that the complainant has substantially prevailed, the court may assess against a defendant reasonable counsel fees and other litigation costs that the complainant reasonably incurred.

**10-627. Criminal Violations.**

(a) A person may not:

(1) willfully or knowingly violate any provision of this Part III of this subtitle;

(2) fail to petition a court after temporarily denying inspection of a public record; or

(3) by false pretenses, bribery, or theft, gain access to or obtain a copy of a personal record whose disclosure to the person is prohibited by this Part III of this subtitle.

(b) A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

***10-628. Immunity for Certain Disclosures.***

A custodian is not civilly or criminally liable for transferring or disclosing the contents of a public record to the Attorney General under § 5-313 of the State Personnel and Pensions Article.